

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2, 4, 6-17 and 19-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. There is no support in the original specification for the following amended claim language: "with the circlip being mounted to the drive shaft for longitudinal movement in at least the first longitudinal direction of the drive shaft relative to said housing part" (claim 1, lines 9-11), with said circlip being movable relative to the housing part in the first axial direction" (claim 6, lines 6-7), "a stop member extending outwardly from the housing" (claim 17, lines 9), "with the circlip being movable in the first axial direction.....movement of the circlip" (claim 17, lines 11- 15), etc. This is a new matter rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6-17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penaranda, et al. (US 6,186,656) in view of Priestman (US 2,822,198). The patents to Penaranda, et al. discloses the claimed invention including a circlip (16) engaging a housing portion of the appliance and removably connected to the drive shaft (4). The patent to Priestman teaches a circlip (10) having two legs (16,18) removably connected to a shaft (26) and engaging at least a portion (24) to restrict rotational movement of the circlip. Thus, it would have been an obvious matter of design choice to have provided the kitchen appliance of Penaranda, et al. with a removable circlip having two legs in the manner suggested by Priestman in order to have the circlip removably connected to the drive shaft and restrict rotational movement of the circlip, if so desired. Further, such design features recited of the circlip being "movable relative the housing....in a first axial direction", the circlip being "mounted...for longitudinal movement...", "stop member...with the circlip being movable...to restrict substantial movement of the circlip" are considered to be obvious matters of design choice, since applicant has not disclosed that such a design choice solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy F. Simone whose telephone number is 571-

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272-1407. The examiner can normally be reached on weekdays between 8:00am-5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Timothy F. Simone/

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